

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEE MANUEL,

Plaintiff(s),

CASE NUMBER: 08-14046
HONORABLE VICTORIA A. ROBERTS

v.

BLAINE LAFLER, Warden,
STEVEN HARRINGTON, Regular Unit Officer,
FRANK CHAFFIN, Corrections Officer, and
BRADLEY PEET, Resident Unit Manager,

Defendant(s).

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

This matter is before the Court on Plaintiff Lee Manuel's ("Manuel") "Motion for Appointment of Counsel." (Doc. #11). Manuel, a *pro se* inmate, asks the Court to appoint counsel because he no longer has access to legal assistance. Manuel asserts Defendants conspired to violate his Eighth and Fourteenth Amendment rights.

The Court may, but is not obligated to, appoint counsel for indigent inmates in civil actions. See 28 U.S.C. §1915(e)(1) ("[t]he court *may request* an attorney to represent any person unable to afford counsel") (emphasis added); see also *Reneer v. Sewell*, 975 F.2d 258, 261 (6th Cir. 1992) ("The appointment of counsel to civil litigants is a decision left to the sound discretion of the district court[.]"). Such appointments are only justified in exceptional cases. See *Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993) (citing *Lopez v. Reyes*, 692 F.2d 15, 17 (5th Cir. 1982)).

Whether Manuel's case is "exceptional" depends on the type of case and his

ability to represent himself based on the complexity of the factual and legal issues involved. *Keohane*, 992 F.2d at 606 (citations omitted). The appointment of counsel in a civil case is not a constitutional right, and Manuel's claims are not so factually and legally complex that he cannot effectively represent himself. Consequently, there is no basis for an appointment of counsel.

Manuel's motion for appointment of counsel is **DENIED**.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: December 15, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and Lee Manuel by electronic means or U.S. Mail on December 15, 2008.

s/Linda Vertriest
Deputy Clerk